

Hawaii  
Slippery Slide Falls  
P.O. Box 199  
Kilauea, Hawaii 96754

RadioTour™



RECEIVED

DEC 4 1998

FCC MAIL ROOM

New York  
P.O. Box 165  
Loch Sheldrake,  
New York 12759

Office of the Secretary  
Federal Communications Commission  
445 Twelfth St. S.W.  
TW4325  
Washington, D.C. 20554

December 1, 1998

Dear Sir,

Enclosed is an Original notarized copy and fourteen copies of a Petition to designated a National Public FM frequency for Part 15 FM users.

Do you understand that democracy is manifested in our public institutions and that to deny them FM frequency access is to subvert the public's ability to access the FM spectrum for communication to motorists? I will support this position with White Papers once this Petition is filed and promulgated. There is a great deal of material that is supplemental yet germane.

Thank you for the opportunity to contribute.

Sincerely yours,

Joel Efrein

No. of Copies rec'd  
List ABCDE

0+14  
MMB

ORIGINAL

RECEIVED

DEC 4 1998

FCC MAIL ROOM

Petition to the Federal Communications Commission  
To: Office of the Secretary of the FCC/attn: Mass Media Bureau

FCCRM\_\_\_\_\_

PETITION FOR RULEMAKING

Submitted by Joel Lawrence Efrein , P.O. Box 199, Kilauea, Hawaii 96754  
President - RadioTour

:In the Matter of a National Channel Designation for Part 15 FM

The Aloha Lei Network and RadioTour/Hawaii are composed of independent Part 15 FM stations broadcasting repeating three minute visitor information site broadcasts on 98.9 FM , continuously, for five years in Hawaii. For the last two years RadioTour/Hawaii, the public umbrella network logo jointly used by Federal ,State , County agencies has been broadcasting with State, County and Federal approvals at public attractions like the Federal Wildlife Refuge at the Kilauea Lighthouse by contract with the Fish and Wildlife Service, Black Pot Beach Park under long term contract with the County of Kauai , and at Haena State Park/Kee Beach with the sign approval of the State of Hawaii Highway Department. The RadioTour/Hawaii visitor information service is featured as being on 98.9 FM in the Hawaii Visitors Bureau - Kauai Planner. Like the Net, RadioTour/Hawaii is composed of individual , self motivated, participants. This is " radio as communications rather than distribution(advertising)"

The FCC is composed of smart and reasonable people who must be disquieted by the recent radio consolidation practices and the "virtual" stations in the FM spectrum. The FCC suggestion that a One Watt station will be a panacea for the overcommercialization of radio is unproven. The economics of a five mile station are not sound unless it is networked in some way for content. This will lead to more commercialization of the media as commercial interests plead their interest in short range broadcast stations. These justifications will allow for more commercialization until everything is an ad for something. No facts, no truth (except by journalistic prerogative), only entertainment and advertising.

Site broadcasts always have a specific mission to fulfill at each location. If it were the Department of Transportation it might be truck weigh stations, freeway tollbooths, scenic overlooks and telecommunications interactive remote traffic transmitters. The Fish and Wildlife Service uses it as an interpretive tool and informational media. Beach Park broadcasts in Hawaii give mandated advisories about local surf conditions and Hawaiian cultural lore along with local facts of interest to the visitor. Private businesses can , and do, sponsor public broadcasts and receive a brief "Sponsor Acknowledgment" , as a public station might do for it's supporting members. The Department of Agriculture

should have parking lot broadcasts at rural ag stations uploaded from a central Cooperative Extension Service office.

The Department of the Interior and all the myriad Federal , State and County parks , historical sites and memorial sites will not be able to use this new site broadcast media for lack of a frequency upon which to broadcast their valuable public information. The Department of Defense will not have an FM frequency upon which to broadcast at their military bases or at their historical sites.

Part 15 FM site broadcasts work. The signal is almost CD quality FM and very stable in it's short (75' to 500' ) range. The range is adjustable by raising the height of the transmitter/antenna unit depending on the surrounding broadcast environment.

RadioTour routinely cascades signals on the same frequency which we call "running networks". The FCC measured the Aloha Lei Network on January 24 , 1994 (See Citation) as traveling 1.3 miles along the Kapaa Visitor Strip on 98.9 FM. The FCC agents were picking up eight separate, segued , stations on 98.9 FM and reading them as one long station on their field strength meter.

Five years later , it still works that way only much better with digital integrity and performance. RadioTour is asking for a National Part 15 FM Channel Allocation at the top of the spectrum. The bottom of the FM spectrum is crowded with public users , while the top of the spectrum is

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considered less attractive to licensed radio station operators because of attenuation.

We are living in an era whose unpostponable need is a new morals of intersubjectivity encapsulated in a communications ethics dictum.

Without regard to right or wrong, or good or bad, the ability of people to communicate and express themselves is a protonorm of democracy and should be a guidon of public communications policy. Although a systematic metaphysics of social relations does not exist, Esnsenberger('74) has produced measures of democratic media usage:

"structuring and granting user' presentation; guaranteeing participatory local production of messages by a wide number of independent producers; ..(and)...having the users of certain communications services participate as responsible contributors." . We find that these same "rules" apply to the Net and we see a corollary between these two communications systems. Current radio policy is going backwards in time to giant companies, instead of ahead to the individual control of media. Thus, economics has overpowered sound radio policies.

There is no denying that communications is the final bastion of universal human values and social relationships. As we know, every society can be ultimately defined by its main trends in communication and that the social

nature of humans is the most fundamental philosophical premise for communications policy. The central issue of social development is not the well being , or self fulfillment of individuals (or corporations), but rather the relationship structure that fashions the common matrix of our ethical, moral and social dealings with each other. This moral heritage is often enshrined aurally; Man's basic communications media. This alone should vouchsafe the public interest in FM frequency allocations to diverse Part 15 FM broadcasters. African communications theorist Andrew Asukaego Moemeka's classic understanding of the tribal agrarian mentality draws the apt conclusion that "modern Africans seem to have borrowed... (from the West)..... freedom only, and not freedom as a foundation of responsibility and respect.". It is incumbent upon the FCC to enable the public's voice to be heard in a diverse democratic society , or witness the essential democratic dynamics of change stultified by commercial processes. If the goal of a communications system is equal access to media to present a fair reflection in media of society in all its diversity then public institutions have a vested interest in communication media as a foundation of democracy.

The basis of the RadioTour Part 15 broadcast system is to supply factual and authentic information by authorized public agencies to enable them to fulfill their mandates to disseminate information to the public. Facts are enough to justify the need for a free broadcast service to the public, and

to the public institutions supplying the content. RadioTour has a broadcast Code of Ethics to which the Fish and Wildlife Service subscribes(F&W Contract) which was taken from the NAB Code abolished in 1982 . RadioTour rewrote it as proactive and utilitarian , to suit this functional site media.

One Watt stations are no substitute for multiple Part 15 FM site broadcasts of factual, official , information. If the goal of a communications system is equal access to media to present a fair reflection in media of society in all its diversity then public intervention to ensure equality in communications, and the inclusive democratic principals of freedom of speech , and the right to communicate, are a foundation of democracy

One Watt stations are no substitute for multiple Part 15 site broadcasts sharing the same Channel designation for traveler convenience. It is only reasonable to assume that since the Part 15 FM was authorized for use by the FCC there was the intention of the Commission to allow the media a place at the table of public airwave users. The suggestion that the FCC authorized Part 15 FM for real estate sales and nothing else is patently unsupportable. Many other kinds of users are also legally able to use this media , including supermarkets and used cars sales. The FCC needs to acknowledge that it is low power AM that is the dead media and that Highway AM (HAR) is a media without a mission. But Part 15 FM is not dead.

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It is alive and living in Hawaii in a pristine broadcasting environment for experimenting with radio frequencies - free from Mainland signal interference.

The FCC rules and regulations regarding Part 15 FM are well , and fairly, written; they need no changes. The range of Part 15 transmitters is excellent for site broadcasting to parked , or slowly moving, vehicles, and the range can be expanded station by station in running networks. The quality of the digital Part 15 FM signal is often better then regular licensed radio stations at the subject site because the broadcast environment of the Part 15 signal is short , and therefore predictable. Digital makes all the different, but it is not easy to do legally because it requires a perfect input signal. RadioTour has entered this quality window by developing innovative technical systems and programming procedures.

RadioTour presents this Petition to validate this open broadcast system which is owned by the Part 15 users of the system themselves, both public and private. We are Petitioning the Federal Communications Commission to vacate FM Channels 300 , and reserve and allocate the chosen Channel for Part 15 FM broadcasting use nationally. We suggest that the Commission take the opportunity afforded by the analog to digital transition period to reassign those



few stations on the designated National Part 15 FM Channel to better (for regular stations) , lower spectrum frequency assignments. The cost of the antenna and transmitter retrofits can be rebated in tax credits and a better, longer , signal range.

Part 15 FM is well written ,and works excellently for site broadcasts. It can be ramped up to cover larger areas with multiple transmitters. The FCC can move a few stations around and save a place for this already authorized universal mass media. Designating one single FM Channel for all of the potential public and private Part 15 FM broadcasters is only fair.

Obviously the new digital Part 15 technology is up to the task in Hawaii, if not the rest of the nation. The FCC already has the Rules and Regulations for this media and enforces them at present. It is unreasonable for the FCC to assume that because they are busting schools in Florida for enhancing their Part 15 broadcasts that RadioTour is not broadcasting legally and effectively in Hawaii. This is a case of "be/hear" now. Once you hear a site broadcast you will understand. Preserve some spectrum for your children to hear broadcasts at the parks and historical sites. Save DOT from itself. This is the right thing to do for the future of democracy, and it so much easier than expected because of the analog to digital changeover. Clear one Channel at the top of the spectrum. The 88.1 FM to 91.9 FM bandwidth is crowded with educational and public

stations. Channel 300 is considered less desirable by licensed broadcasters because of attenuation, and a radio station should be glad to move down the dial. We are Petitioning the FCC to set aside Channel 300 - or an alternate FM frequency chosen by the FCC - for public and private Part 15 FM broadcasters.

Democracy is encapsulated in our public institutions as official creed, doctrine and public service practices. Enabling these public institutions to broadcast their important local government service information is critical to democracy because these institutions are the repository of our values.

Respectfully submitted,

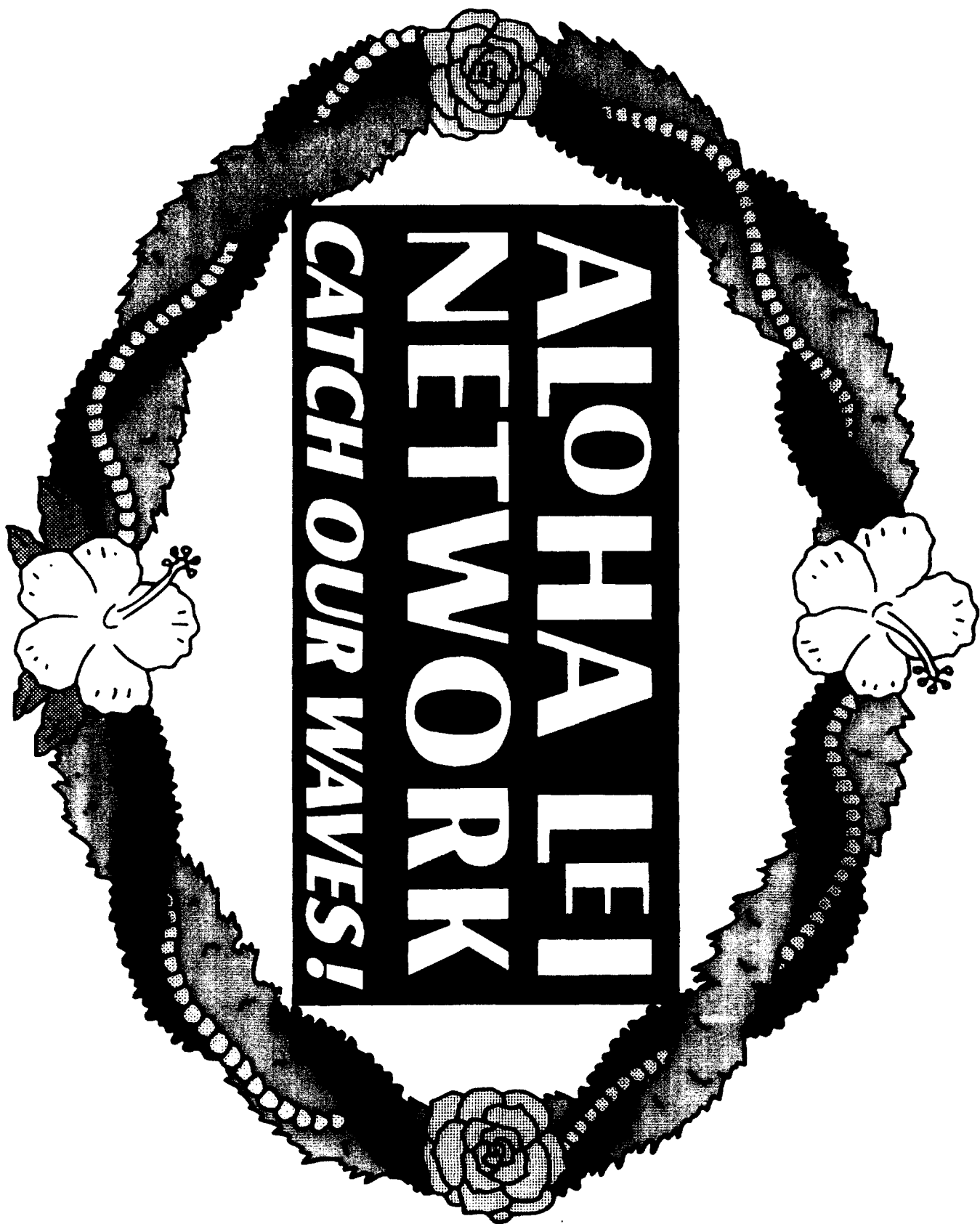
 12/2/98

Joel Lawrence Efrein

Tune to  
*Radio Tour*™



*Hawaii*  
Visitor Information



**ALOHA LEI**  
**NETWORK**  
**CATCH OUR WAVES!**

Maryanne W. Kusaka  
Mayor



Robert D. Mullins  
Administrative Assistant

OFFICE OF THE MAYOR

December 17, 1996

Mr. Doug Webbink  
Chief of Policy and Rulemaking  
Federal Communications Commission  
2000 M Street, Room 536  
Washington, DC 20554

Dear Mr. Webbink:

On Kaua'i, nearly one-half of our economy is fueled by the tourism industry. As the County's chief executive, I support the efforts of local entrepreneurs to enhance our visitors' experience through visitor information broadcasting. Therefore, I ask that you reserve 98.9FM for visitor information broadcasting in Hawai'i.

Your favorable consideration of this matter is greatly appreciated.

With warmest aloha,

  
Maryanne W. Kusaka

MWK/bt



**DEPARTMENT OF  
PARKS AND RECREATION  
COUNTY OF MAUI**

LINDA CROCKETT LINGLE  
Mayor  
HENRY OLIVA  
Director  
ALLEN SHISHIDO  
Deputy Director

580-C KA'AHUMANU AVENUE, WAILUKU, HAWAII 96793

(808) 243-7230

March 4, 1997

Mr. Seiji F. Naya, Director  
Department of Business, Economic Development, and Tourism  
State of Hawai'i  
250 S. Hotel Street  
Honolulu, HI 96813

Dear Mr. Naya:

Tourism plays a major role in the economy of our islands. Providing an enjoyable and safe visit for our visitors is important to the County of Maui. Our mission in the Department of Parks and Recreation, County of Maui, is "to provide high-quality, cost-effective recreational experiences for the residents and visitors of Maui County." We feel that RadioTour/Hawaii would provide us the means to be able to reach our visitors and residents alike in an unobtrusive and enlightening manner. We would be able to provide information regarding local landmarks as well as safety warnings at our popular beaches. We support RadioTour/Hawaii in their efforts.

Sincerely,

Henry Oliva, Director  
Department of Parks and Recreation

kw

**ALOHA from the Lihue Airport**  
**Welcome to Kauai, The Garden Isle**

**ALOHA LEI NETWORK**  
 (CATCH ON 8 WAVES!)  
**FM 98.9**

**FM 98.9 FM for Visitor Information**

*"This on-site radio network will specifically provide aloha greetings and messages to visitors and residents who transit Lihue Airport and various parts of Kauai. We are allowing the installation of FM radio transmitters and appropriate signage at the airport to support this venture."*

Stan S. Sekimoto, Airport District Manager,

**Hawaii's First On Site FM Visitor Information Network**



**Lihue Airport Information 98.9 FM**

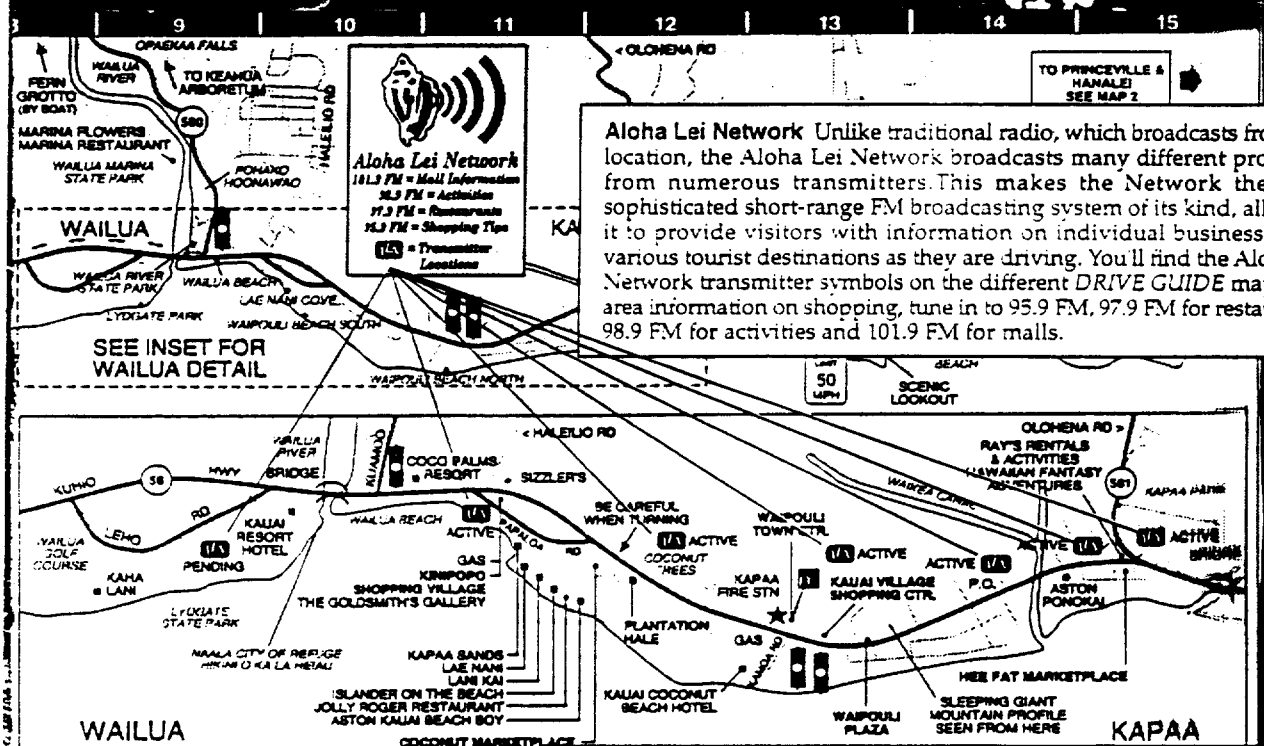
**LEARN HAWAIIAN CULTURAL VALUES  
 LANGUAGE AND HISTORICAL FACTS**

Shopping 95.9 FM Restaurants 97.9 FM  
 Activities 98.9 FM Malls 101.9 FM

**Short Range Transmitter Locations  
 Listed On The Kauai Drive Guide Maps**

# DRIVE GUIDE

The Map Magazine



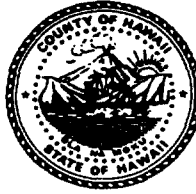
**Aloha Lei Network** Unlike traditional radio, which broadcasts from one location, the Aloha Lei Network broadcasts many different programs from numerous transmitters. This makes the Network the most sophisticated short-range FM broadcasting system of its kind, allowing it to provide visitors with information on individual businesses and various tourist destinations as they are driving. You'll find the Aloha Lei Network transmitter symbols on the different **DRIVE GUIDE** maps. For area information on shopping, tune in to 95.9 FM, 97.9 FM for restaurants, 98.9 FM for activities and 101.9 FM for malls.

**Hawaii State Tourism Office funds FM broadcast visitor information program.**

*"...the information is especially unique because tourists visiting cultural or historical sites will be able to tune into a special FM station and hear information on the area,"* says Glenn Sato of the Office of Economic Development.

# HAWAII

Stephen K. Yamashiro  
Mayor



George Yoshida  
Director

Juliette M. Tulang  
Deputy Director

**County of Hawaii**  
**DEPARTMENT OF PARKS AND RECREATION**  
25 Aupuni Street, Room 210 • Hilo, Hawaii 96720-4252  
(808) 961-8311

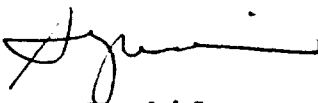
April 29, 1998

Mr. Joel Efrein  
Radio Tour USA  
P.O. Box 199  
Kilauea, HI 96754

Subject: Parks and Recreation Hawaii County

Tourism plays a major role in the economy of our islands. Providing an enjoyable and safe visit for our visitors is important to the County of Hawaii. Our mission in the Department of Parks and Recreation, County of Hawaii, is "to provide a full range of recreational areas, facilities, programs and services for the residents and visitors of Hawaii County."

We feel that Radio Tour/Hawaii would provide an enhancement to our visitors and residents alike on the history and culture of each attraction. We would be able to provide information regarding local landmarks as well as safety warnings at our popular beaches. We support Radio Tour/Hawaii in their efforts.

  
George Yoshida  
DIRECTOR



# THE InterpEdge

The International Journal on Innovation, Technology, and Cutting Edge Thought for Interpretive Communication



## New Visitor Information Network Has Value Standards

**N**ew Technology — Digital electronic low power FM

New Network — RadioTour/USA

New Broadcasting Values — The same old values expoused in a Code of Ethics

New Applications — Information booths, visitor centers, historic sites, cultural landmarks, scenic overlooks, nature centers, zoos, scenic routes, Federal, State, County and private attractions, and places of interest.

New Relationships — between station owners, broadcasters of record, media interpreters, program directors, sponsors, more sponsors, rental car companies, airport authorities, park departments, highway departments, historic societies, educators, environmentalists, kids of all ages, people too infirmed to leave the car, public relations departments, people who don't want to get out of the air conditioning and stereo sound of their maximal, foreigners learning English, and all levels of government and private industry, working together to maximize the visitor's experience, while reminding the locals about their heritage, and the history of ideals that have shaped America's values.

Ethical values are transcultural. A value that only works for one society or group of people is a social custom. Social customs that mark themselves by their differences from other cultures invariably lose their souls to protect their honor. A true ethical value is coin in any social realm.

There is only one sin in the Hawaiian philosophy of *Huna* — hurting another Self. In this way, Hawaiians encompass

everyone and everything, and direct their spontaneous generosity and warm-hearted way of knowing to a place it can manifest the most good, directly from person to person, or as a personal tool for self fulfillment and spiritual peace. This is the basis of oral "knowing" cultures; that the land, the sea, the sky and the people are one interdependent organism that must learn to live in harmony.

This "way of knowing" is passed along as Content through the vessel of

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*Ethical values are transcultural. A value that only works for one society or group of people is a social custom ... A true ethical value is coin in any social realm.*

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speech, in looking and seeking, and through insight. The Look that says it all. Seeing the essential relationships of all things. The Cutting Word that severs the knot of doubt and frees the mind to experience its oneness with the universe. The self born thought that strikes the chromatic chord that resonates a "sense of place" where you are at peace.

This is the basic tribal wisdom, the cosmological glue that held society together. Some cultures have refined this experiential response mechanism to a myriad of essential signs and signals that hold the form, but no longer

the essence, of their culture. The art of Knowing being difficult in the first place, it is easily distracted and deflected by the social customs of Western civilization.

What has this got to do with visitor information broadcasting? We think everything. We always look for core values as our guidons in approaching visitor information broadcasts. In our search for them in Hawaii we turned to the indigenous art of understanding, called *Huna*, which, making no bones about it, simply means "Hidden." As a producer, I believe it is important to find out the basic truths about your subject to give it a continuing focus. In a visual it would be clear and focused graphic elements in words, meaning.

Our current assignment is to bring to life the Hawaiian cultural attitude and infuse it into the broadcasted material we will be delivering from major tourist Places of Interest in Hawaii. Here's what we discovered about the Hawaii culture. The *Huna* is a psychological regimen to achieve *pono*, balance, within yourself. It is based, from ancient times, on the Self being composed of a Lower, Middle (Social) and Higher Self. They deliberately do not use psychological or religious terms because of their intellectual bias.

The Middle Self is who we have Become in response to our upbringing, environment and cultural conditioning. Those of you who have scratched your surface know that this is a subjective sham we create to justify our existence. We keep thinking there is more to us than simply this mortal shell. Religions often present a God image to represent

our Higher Self, and most people don't give it much thought. The form has mostly become the substance. The Lower Self, some religions still say, is to be suppressed and avoided at all costs. The beast within.

Hawaiians don't see it this way. The principal aspect of *Huna* that we have chosen as our Point of View for these broadcasts is the relationship between the socially defined Middle Self and its hidden Lower Self. The Lower Self does whatever the Middle Self tacitly tells it to do, and it contains your deepest feelings and emotions. If the Middle Self thinks, "I am a failure," the Lower Self feels like a failure, and no amount of Middle Self success can cure this deep feeling of inadequacy. The Middle Self will have to convince the Lower Self that it is a success before it can "feel" successful.

The Hawaiians believe that you need to be kind and gentle to your Lower Self so it will tell you what it feels and allow you to make it better. Fresh salve to heal old wounds. The spontaneous kindness and warmheartedness that issues forth from the Hawaiian peoples is born in the way their belief system specifies kindness and gentleness as the course of conduct most likely to develop a healthy personality.

Remarkably, that is what people "feel" when they visit the island of Kauai the mystical Bali Hai island of "South Pacific." This paradise on earth will be a complete ecotourism experience when it is infused with the natural warmth and wisdom of the Hawaiian peoples. This is our operating Point of

View for our broadcasts. The wise parent welcoming the curious child with a warm-hearted Aloha and a vow to nurture them during their visit.

We do this with voice talent, musical accompaniment and an intimate writing

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*Without a value system  
the core of the apple  
of wisdom is missing,  
taking with it the  
seeds of new growth.*

---

style that speaks as to a friend, imparting knowledge derived from a deep understanding of human nature and creating a "sense of place" that allows the Lower Self to come out of its shell and reveal our true feelings.

This is why RadioTour/USA has a Code of Ethics. It's not in admonitions that delineate broadcasting "safety" standards that we hang our hats, but on the following words:

Programming should emphasize sound social concepts that express a positive set of values .... (and) .... should contribute to the development of a healthy personality and sound character.

Without a value system the core to the apple is missing, taking with it the seeds of new growth. Radio Tour/Hawaii Program Director Branch

Harmony, media interpreter and broadcaster, has a mandate to develop the exact program mix that works for the local community, as well as the visitor.

The lesson to draw from this and to explore in your own interpretive material is the notion of "personification." Whether it is a river acting on a gorge, the climate welcoming the crops, the "tribe" celebrating its history, an old timer remembering events or an idea or value that propelled men and women into action to benefit humanity, there should be a cause and effect, an acknowledgement of change and a personal relationship created between the listener and the presenter.

The information is not enough, there needs to be a Context as well. This context does not have to be apparent, it can be subtle, like a point of view which guides the presentation. With repeating radio broadcasts there are no beginnings and no endings. It is up to you to create a context that enables all the important information about a site to be presented, person to person, on the hot medium, radio.

RadioTour/USA  
Hawaii:  
Slippery Slide Falls  
PO Box 199  
Kilauea, Hawaii 96754

New York  
PO Box 165  
Loch Sheldrake, NY 12759

Phone: 808-828-1099  
Fax: 808-828-6626  
E-Mail: radio rt@aloha.net

Hawaii  
Slippery Slide Falls  
PO Box 199  
Kilauea, Hawaii 96754



New York  
PO Box 165  
Loch Sheldrake  
New York 12759

RadioTour/USA represents a new interpretive broadcasting opportunity. We welcome your participation so that together we can give voice to America; her heritage, environment and peoples.

Register with RadioTour/USA and we will show you how to enable this public service and contribute your interpretive skills. This is the beginning of a new era in interpretive communications. The addition of meaning and values.



MEMORANDUM OF UNDERSTANDING  
BETWEEN  
FISH AND WILDLIFE SERVICE  
UNITED STATES DEPARTMENT OF INTERIOR  
AND  
RADIO/TOUR USA

This Memorandum of Understanding between the U.S. Fish and Wildlife Service (hereinafter referred to as the "Service"), an agency of the United States Department of Interior, acting through the Regional Director (hereinafter referred to as "Director"), or his/her designee, and Radio Tour/USA, (hereinafter referred to as "Provider"), acting through Joel Efrien as its Director or his designee

WITNESSTH

WHEREAS the Provider has received a county of Kaua'i contract #1596 funded by the state of Hawai'i's Department of Business, Economic Development and Tourism to provide nine visitor information broadcasts at Federal, State and County Places of Interest on Kaua'i and whom, through this Contract, has been providing the Service with a three minute repeating, 24 hour-a-day, Entranceway broadcast based on information provided by the Service and

WHEREAS the Service has received this service free of charge since November of 1996, including the placement of the blue and white signs designating 98.9 FM as the visitor information frequency and desires to retain this service.

NOW THEREFORE, pursuant to authority contained in the Acts of September 28, 1962 (16 U.S.C. 4601 et seq.); May 28, 1963 (Id. 4601 et seq.); October 14, 1966 (Id.668dd); November 8, 1978 (Id. 742f(b)); March 10, 1934 (Id. 661 et seq.); and other laws supplemental thereto and amendatory thereof, and in consideration of the mutual benefits which will accrue to the Service and the Association, the parties agree as follows:

1. The Provider will maintain a 24 hour broadcast of information approved by the Service from a transmitter owned and operated by the provider and located in the wooden enclosure housing the water pipelines outside the main entrance to Kilauea Point National Wildlife Refuge .
2. The Service will provide electrical power to the Provider's transmitter at no cost to the Provider.
3. The Provider will assume all liability as the Broadcaster of Record of the broadcast.
4. The Provider will be allowed to include a 13 second Sponsor Acknowledge to pay for the operation and maintenance of the broadcast facility.

5. The Provider will provide Radio tour /Hawai'i frequency designation signs as displayed at other public Places of Interest on Kaua'i and throughout Hawai'i at no charge and allow the Service to place it.


6. The Provider will extend to the Service a free Affiliate Membership in Radio Tour/Hawai'i to link it to the other Places of Interest through joint promotional opportunities. The Service will not be required to participate in these promotions.

7. The Provider acknowledges that the Service broadcast is a splendid example of adherence to the Radio Tour/USA Broadcast Code of Ethics which provides examples and guidance for all Radio Tour/USA public broadcasts.

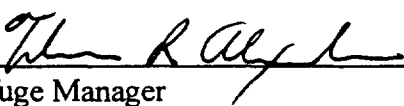
8. This Memorandum of Understanding (MOU) may be modified by the written concurrence of the parties. It may be terminated by either party by the providing of a written 30 day notice of termination to the other party.

9. The facility will assume no liability for Radio Tour personnel or equipment during the performance of functions related to this MOU.

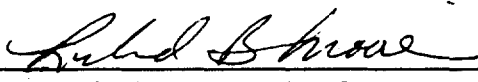
IN WITNESS WHEREOF, the Provider has caused this agreement to be executed this \_\_\_\_\_ day of 12/31, 1997.

By:   
President  
Radio Tour/USA

IN WITNESS WHEREOF, the Service has reviewed and approved of this agreement this \_\_\_\_\_ day of 12/30, 1997.

By:   
Refuge Manager  
Kaua'i National Wildlife Refuge Complex

IN WITNESS WHEREOF, the Service has caused this Agreement to be ratified this 6<sup>th</sup> day of JANUARY, 1998.

By:   
Acting Regional Director, Region One  
U.S. Fish and Wildlife Service

FWS - CONTRACT SUFFICIENCY REVIEW:

By:  1-5-98  
Contracting Officer FWS-19072 Date

# RadioTour



## The Broadcast Code of Ethics

### Purpose of the Code

The purpose of this Code is to cooperatively establish and maintain the quality of programming on "RadioTour/USA" giving full consideration to the educational, informational, cultural, economic, moral and entertainment needs of the American public.

The Code establishes basic standards for all radio broadcasting identified by the "RadioTour/USA" logo. The principles of acceptability and good taste within this Code should be applied and considered at all times.

"RadioTour/USA" believes that visitors should be welcomed and invited to share information about places of interest throughout the country in a good-hearted way. We recognize that Low Power FM radio serves a need to promote facilities and attractions in the visitor industry by broadcasting on-site radio programs.

We espouse "good-hearted" programming and define it as information, advertising and programming designed to enrich the experience of traveling through education.

Programming should emphasize sound social concepts that express a positive set of values. Programming should contribute to the development of a healthy personality and sound character. Programming should afford opportunities for cultural growth as well as for wholesome entertainment. Programming should be realistic, but should avoid material of an extreme nature which might create undesirable emotional reactions in children or adults. Special sensitivity is necessary in the use of material relating to sex, race, color, age, creed, religious functionaries or rites or national or ethnic heritage. Members must predominantly cater to the automotive traveling public.

To assure and acknowledge that broadcasters subscribing to this Code have the freedom and responsibility for their own programming none of the provisions of this Code should be construed as preventing or impeding broadcasts of the broad range of material necessary to enable Member Stations to fulfill their obligations to operate in the public interest and promote their facilities.

### Advertising Guidelines

"Advertising is the principal source of revenue of the free, competitive, American system of radio broadcasting. It makes possible the presentation to all American people the finest programs of education, entertainment and information. Since the great strength of American radio broadcasting derives from the public respect for and the public approval of its programs, it must be the purpose of each broadcaster to establish and maintain high standards of performance, not only in the selection and production of all programs, but also in the presentation of advertising."\*\*

"RadioTour USA" enriches the experience of traveling and advances education and culture. Broadcasters occupy positions of responsibility in the community and should conscientiously endeavor to conform to community standards of good taste.

### Grounds for Automatic Loss of Membership

The confidence of the touring public in "RadioTour/USA" depends upon the performance of its Member Stations. Therefore, Member Stations can be summarily expelled from Membership for broadcasting programming that is perceived as:

1. Fraudulent, misleading or deceptive advertising.
2. Material demeaning to any ethnic, religious or social group.
3. Material misleading to audiences about significant historical facts.
4. Contests that are not considered legal according to all applicable laws
5. Political advertising or commentary.
6. Current Events News broadcasts.

### Procedure for Expulsion of Member Station

"RadioTour/USA" shall accept and investigate all complaints of misconduct lodged with it concerning a Member Station. If "RadioTour/USA" determines that its Code has been violated it will, summarily, proceed with any or all the following options:

1. Warn the Member Station about the violation and obtain a written statement that such misconduct, if it occurred, will not be repeated. A second proven violation results in Expulsion.
2. Notify the Member Station that its Membership has been invalidated and request that the Station remove any materials, signs or logos identifying it as a Member of "RadioTour/USA". "RadioTour/USA" will refund any dues paid to it by the Station past the Expulsion Date.

\*\* The Radio Code(National Association of Broadcasters) Abolished 1982

# Kauai visitors provided with roving tour guide

By SANDI M. SKOUSEN  
PHN Staff Reporter

Listeners of 98.9 FM on Kauai are getting an Island-style drive time experience.

RadioTour/Hawaii, a new Kauai company, has set up nine public sites on the Island with a digital transmitter that broadcasts visitor information via the radio.

According to RadioTour/Hawaii founder Joel Efrein, the broadcasts could prove to be a valuable advertising tool for businesses targeting tourists.

"The magic words are 'free and independent traveler,'" Efrein said. "This helps the F.I.T. grasp the Neighbor Islands in their hands."

The company and the U.S. Fish & Wildlife Service recently finalized a sponsorship deal for the transmitter at Kilauea Point National Wildlife Refuge, the first refuge in Hawaii to have an on-site broadcast.

The three-minute broadcast runs continuously 24-hours a day and contains information on the refuge, which is home to numerous endangered native Hawaiian plants and animals. The program also includes a 13-second spot on the nearby Kong Lung Center, the sponsor of the site.

To catch the program, listeners' radios must be within 200 to 500 feet of the site's transmitter because the program is aired on a low-powered FM medium.

The other RadioTour/Hawaii

transmitters are at Haena Beach Park, Hanalei Pier, Lydgate State Park, Poipu Beach Park, Spouting Horn Beach Park, Koloa town, Waimea town and Waimea Canyon State Park.

All the sites, except Waimea Canyon, have blue-and-white signs directing visitors to tune in to 98.9 FM.

Visitors at Hanalei Pier will learn about the area's rice and taro farms; and the first American-built ocean-going yacht, Cleopatra's Barge, which was sold to King Kamehameha III in 1820 in exchange for sandalwood. At Haena Beach, listeners are advised to not go beyond the reef and of potentially dangerous swimming conditions. Each site also spins tales of ancient Hawaiian gods and goddesses.

The broadcast is made available through a digital contraption that acts as a transmitter and tape recorder-player. Most of the boxes, which are about the size of a laptop computer, are atop the rooftops of county structures.

The low-powered frequency was originally created by the federal government for the real estate industry. The idea was that the transmitters would air information on homes listed for-sale to potential home buyers. But the concept never took off, mainly because it took sales away from real estate agents, Efrein said.

Efrein, a former executive in

the multimedia and cable industries on the Mainland, received permission from the Federal Communications Commission and county to put up the transmitters. The county received a \$25,000 grant from the state Department of Business, Economic Development & Tourism to purchase the transmitters as part of a yearlong demonstration project.

The project wrapped up earlier this year and Efrein recently began seeking private sponsors. Kilauea Point is sponsored by Kong Lung Center and the Poipu Beach Park sponsor is Brennecke's Beach Broiler.

The cost to sponsor a site for a year is about \$1,500.

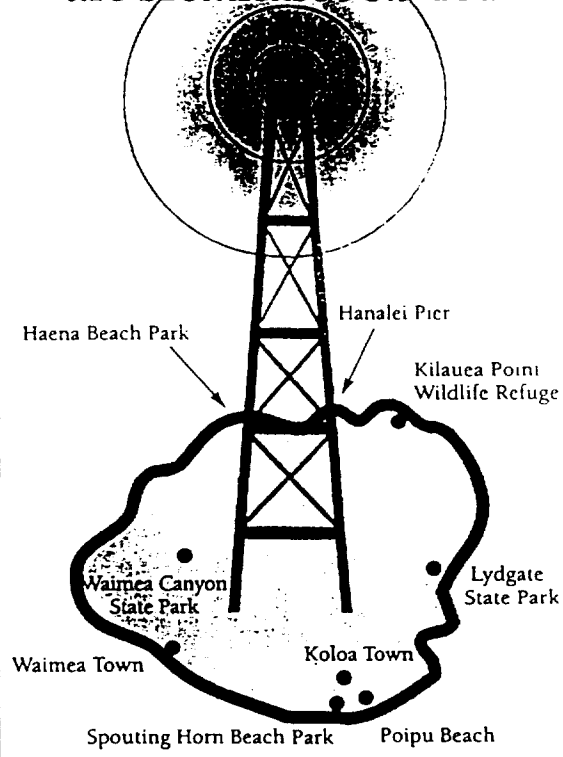
Patty Ewing, owner of Kong Lung Center, said the programming is too new to tell whether it has attracted shoppers. Besides, foot traffic at the center began improving several weeks prior to the new advertising, she said.

Nevertheless, she said, sponsoring the radio tour site made economical sense because between 300,000 and 350,000 people visit Kilauea Point and its famous lighthouse each year.

"It's an extremely good investment for the amount of people we have the potential to meet," Ewing said.

Kilauea Point is probably the most visited of the nine sites; the others each welcome at least 200,000 people a year, Efrein said.

## Several attractions on Kauai are broadcast 98.9 FM



by tourists who happen to go to the scenic spot when the refuge's visitor information center is closed — before 10 a.m. and after 4 p.m.

Several major national refuges offer similar broadcasts, but none of the other eight national refuges in Hawaii have them, he said.

Efrein is eyeing the state Department of Transportation's emergency telephones as possible transmitter hosts. Of the 46 phone boxes, 28 of them are in places ideal for visitor information programming, he said.

For \$2,000, a business can have a transmitter and custom-made script. RadioTour/Hawaii will maintain the site for \$1,200 a year.

The historic Kong Lung Center is off the main highway, on a small road leading to Kilauea Point.

"People who want to go to the lighthouse — they are on a mission. They won't stop," she said. "But we hope that they'll want to stop after they're done."

Jerry Leinecke, a project leader for the U.S. Fish & Wildlife Service, said the broadcast is especially appreciated



PHOTO COURTESY OF U.S. FISH & WILDLIFE SERVICE

Kilauea Point is one of a handful of national wildlife refuges in the country to air visitor information over the radio, due to the entrepreneurship of RadioTour/Hawaii.